

PATENT APPLICATION DECLARATION AND POWER OF ATTORNEY

I HEREBY DECLARE THAT:

My residence, post office address, and citizenship are as stated next to my name in PART A on pages 2 and 3 hereof.

I believe I am the original, first, and sole inventor (if only one name is listed) or an original, first, and joint inventor (if plural names are listed) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

HYPOTHALAMUS-SPECIFIC POLYPEPTIDES

the specification of which:

___ is attached hereto;

X was filed on August 1, 1997 as Application Serial No. PCT/US97/13657 and
was amended on NA (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to herein.

I acknowledge the duty to disclose information to the Patent and Trademark Office known to me to be material to the patentability of this application, as defined in Title 37, Code of Federal Regulations, Sec. 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Sec. 119 of any foreign application(s) for patent or inventor's certificate listed in PART B on page 3 hereof and have also identified in PART B on page 3 hereof any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

I hereby claim the benefit under Title 35, United States Code, Sec. 120 of any United States application(s) listed in PART C of page 3 hereof and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Sec. 112, I acknowledge the duty to disclose all information to the Patent and Trademark Office known to me to be material to patentability of this application, as defined in Title 37, Code of Federal Regulations, Sec. 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application.

I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following as my attorneys or agents with full power of substitution to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith:

Michael A. Hierl	Reg. No. 29,807	Arne M. Olson	Reg. No. 30,203
Dolores T. Kenney	Reg. No. 31,269	Talivaldis Cepuritis	Reg. No. 20,818
John W. Klooster	Reg. No. 18,953	Daniel J. Deneufbourg	Reg. No. 33,675
Roger P. Zimmerman	Reg. No. 38,670	Eddie L. Bishop	Reg. No. 39,110
Robert W. Diehl	Reg. No. 35,118	Steven D. Weseman	Reg. No. 41,372

whose mailing address for this application is: OLSON & HIERL, LTD.
20 North Wacker Drive
36th Floor
Chicago, Illinois 60606
Telephone: (312) 580-1180

See Pages 2 and 3 attached, signed, and made a part hereof.

PATENT APPLICATION DECLARATION AND POWER OF ATTORNEY

PART A: Inventor Information and Signature

Full name of SOLE or FIRST inventor J. Gregor Sutcliffe
 Citizenship United States Residence 2253 Via Tiempo
Cardiff, California 92007

Post Office Address (If different) _____

Inventor's signature: J. Gregor Sutcliffe Date: 10/13/97

Full name of SECOND joint inventor, if any Kaare M. Gautvik
 Citizenship Norway Residence 3365 Lebon Drive #202
San Diego, California 92122

Post Office Address (If different) _____

Second Inventor's signature: _____ Date: _____

Kaare M. Gautvik

Full name of THIRD joint inventor, if any Luis De Lecea
 Citizenship Spain Residence 13661 Nob Avenue
Del Mar, California 92122

Post Office Address (If different) _____

Third Inventor's signature: Luis De Lecea Date: 10/13/97

Luis De Lecea

Full name of FOURTH joint inventor, if any Floyd E. Bloom
 Citizenship United States Residence 628 Pacific View Drive
San Diego, California 92109

Post Office Address (If different) _____

Fourth Inventor's signature: Floyd E. Bloom Date: 14 Oct 97

Floyd E. Bloom

Full name of FIFTH joint inventor, if any Patria E. Danielson
 Citizenship United States Residence 3436 Yonge Street
San Diego, California 92106

Post Office Address (If different) _____

Fifth Inventor's signature: Patria E. Danielson Date: 10/13/97

Patria E. Danielson

Full name of SIXTH joint inventor, if any Vigdis T. Gautvik
 Citizenship Norway Residence 3365 Lebon Drive #202
San Diego, California 92122

Post Office Address (If different) _____

Sixth Inventor's signature: _____ Date: _____

Vigdis T. Gautvik

See Pages 1 and 3 attached and made a part hereof.

PATENT APPLICATION DECLARATION AND POWER OF ATTORNEY

PART A (continued):

Full name of SEVENTH joint inventor, if any Thomas S. Kilduff
 Citizenship United States Residence 723 Laurel Avenue
Menlo Park, California 94025
 Post Office Address (If different) _____

Seventh Inventor's signature: _____ Date: _____
Thomas S. Kilduff

Full name of EIGHTH joint inventor, if any Pamela E. Foye
 Citizenship United States Residence 3946 Caminito Del Mar Surf
San Diego, California 92130
 Post Office Address (If different) _____

Eighth Inventor's signature: Pamela E. Foye Date: 10.13.97
Pamela E. Foye

PART B: Prior Foreign Application(s)

<u>Serial No.</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	<u>Priority Claimed</u>
			<u>Yes</u> <u>No</u>

PART C: Claim for Benefit of Filing Date of Earlier U.S. Application(s)

<u>Serial No.</u>	<u>Filing Date</u>	<u>Status:</u>
60/023,220	August 2, 1996	<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input checked="" type="checkbox"/> Abandoned <input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

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 Citizenship Norway Residence 3, BREGNEVN., 0875, OSLO
 Post Office Address (If different) _____

Second Inventor's signature: Kaare M. Gautvik Date: 10.10.97
Kaare M. Gautvik

Full name of THIRD joint inventor, if any Luis De Lecea
 Citizenship Spain Residence 13661 Nob Avenue
Del Mar, California 92122
 Post Office Address (If different) _____

Third Inventor's signature: _____ Date: _____
Luis De Lecea

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 Citizenship United States Residence 628 Pacific View Drive
San Diego, California 92109
 Post Office Address (If different) _____

Fourth Inventor's signature: _____ Date: _____
Floyd E. Bloom

Full name of FIFTH joint inventor, if any Patria E. Danielson
 Citizenship United States Residence 3436 Yonge Street
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Fifth Inventor's signature: _____ Date: _____
Patria E. Danielson

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 Citizenship Norway Residence 3, BREGNEVN., 0875, OSLO
 Post Office Address (If different) _____

Sixth Inventor's signature: Vigdis T. Gautvik Date: 10.10.97
Vigdis T. Gautvik

PATENT APPLICATION DECLARATION AND POWER OF ATTORNEY

PART A (continued):

Full name of SEVENTH joint inventor, if any Thomas S. Kilduff
 Citizenship United States Residence 723 Laurel Avenue
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Pamela E. Foye

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Patria E. Danielson

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 Post Office Address (If different) _____

Sixth Inventor's signature: _____ Date: _____
Vigdis T. Gautvik

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 Citizenship United States Residence 723 Laurel Avenue
Menlo Park, California 94025

Post Office Address (If different) _____

Seventh Inventor's signature: Thomas S. Kilduff Date: 10/15/97
 Thomas S. Kilduff

Full name of EIGHTH joint inventor, if any Pamela E. Foye
 Citizenship United States Residence 3946 Caminito Del Mar Surf
San Diego, California 92130

Post Office Address (If different) _____

Eighth Inventor's signature: Pamela E. Foye Date: _____

PART B: Prior Foreign Application(s)

<u>Serial No.</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	<u>Priority Claimed</u>
			<u>Yes</u> <u>No</u>

PART C: Claim for Benefit of Filing Date of Earlier U.S. Application(s)

<u>Serial No.</u>	<u>Filing Date</u>	<u>Status:</u>
60/023,220	August 2, 1996	<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input checked="" type="checkbox"/> Abandoned <input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Sutcliffe, Gregor J., et al.)	
)	
Division of)	Prior Art Unit: 1653
Serial No.:	09/230,896)	
)	
Filed:	December 12, 2000)	Prior Examiner: Stephen Tu
	(By Express Mail))	
)	
For:	HYPOTHALAMUS-SPECIFIC)	Atty. Docket No. TSRI 548.1 DIV. 1
	POLYPEPTIDES)	
)	

**REQUEST BY APPLICANTS FOR DECLARATION OF
INTERFERENCE PURSUANT TO RULE 607**

Commissioner for Patents
BOX PATENT APPLICATION
Washington, D.C. 20231

Sir:

This Request By Applicants For a Declaration Of Interference Pursuant To Rule 607 is filed concurrently with a preliminary amendment to the subject application.

I. REQUEST FOR INTERFERENCE

Pursuant to 37 CFR §1.607 Applicants respectfully request that an Interference be declared between the subject application and U.S. Patent No. 6,001,963. New Claim 60 added to the instant application by preliminary amendment, corresponds substantially to Claim 1 of U.S. Patent No. 6,001,963 and has been presented for the purpose of initiating an interference proceeding between the instant patent application and U.S. Patent No. 6,001,963. Claim 60 of the instant application defines an isolated polypeptide comprising an amino acid sequence selected from the group consisting of: SEQ ID NO:1, SEQ ID NO:2, SEQ ID NO:8, and SEQ ID NO:10, which correspond substantially to the sequences defined in Claim 1 of U.S. Patent No. 6,001,963, and thus defines the same invention.

The information required by 37 C.F.R. §1.607(a) is set forth under headings which correspond to the subsections of §1.607 to facilitate consideration by the Examiner.

1. IDENTIFICATION OF THE PATENT WHICH INCLUDES
SUBJECT MATTER WHICH INTERFERES WITH THE APPLICATION

The patent which claims subject matter which interferes with subject matter claimed in the present application ("the Sutcliffe et al. application") is U.S. Patent No. 6,001,963 ("the Bergsma et al. patent") issued on December 14, 1999 to Bergsma et al. for LIGANDS OF THE NEUROPEPTIDE RECEPTOR HFGAN72. The Bergsma et al. patent was issued on application Serial No. 08/938,548 filed September 26, 1997. SmithKline Beecham Corporation and the University of Texas Southwestern Medical Center are the assignees named on the face of the patent.

2. PRESENTATION OF PROPOSED COUNT

Proposed Count 1 is set forth in Appendix A hereto.

3. IDENTIFICATION OF CLAIMS OF THE BERGSMA ET AL.
PATENT WHICH CORRESPOND TO THE PROPOSED COUNT

Claims 1, 2 and 3 of the Bergsma et al. Patent correspond to the proposed Count 1. Claims 2 and 3 both recite an amino acid sequence included in Claim 1.

4. CLAIMS OF THE SUTCLIFFE ET AL. APPLICATION
WHICH CORRESPOND TO THE PROPOSED COUNT

Applicants submit that Claims 60, 61 and 62 correspond to Count 1; Claims 61 and 62 both recite an amino acid sequence included in Claim 60.

Appendix B is a chart providing an element-by-element recitation of Claims 60-62, added by the preliminary amendment filed concurrently with this Declaration of Interference, together with an indication of the passages in the specification of the present application where the claim finds support and in the earliest filed application Serial No. 60/023,220 filed August 2, 1996 for which benefit is claimed. The present Sutcliffe et al. application is a Divisional of Serial No. 09/230,896, the national entry of Serial No. PCT/US97/13657, filed August 1, 1997. Accordingly, Sutcliffe et al. should be accorded benefit of the prior applications in the Declaration of Interference. Sutcliffe et al. should also be designated as

the senior party in the Interference as having the earlier effective filing date; i.e., August 2, 1996, versus September 26, 1997, for Bergsma et al.

The Applicants' SEQ ID NO:1, which is recited in Applicants' claim 60, corresponds exactly to Bergsma et al.'s SEQ ID NO:6, which is found in Bergsma et al.'s claim 1. Applicants' SEQ ID NO:1 also corresponds substantially to Bergsma et al.'s SEQ ID NOS:2 and 10, both of which are found in Bergsma et al.'s claim 1.

The Applicants' SEQ ID NO:2, which is recited in Applicants' claim 60 as well as in claim 62, corresponds substantially to Bergsma et al.'s SEQ ID NOS: 2, 6, and 10, which are found in Bergsma et al.'s claim 1 and claim 3.

The Applicants' SEQ ID NO:10, which is recited in Applicants' claim 60 as well as in claim 61 corresponds substantially to Bergsma et al.'s SEQ ID NOS:4, 9, and 12, which are found in Bergsma et al.'s claim 1 and claim 2.

The Applicants' SEQ ID NO:8, which is recited in Applicants' claim 60 as well as in claim 62, corresponds substantially to Bergsma et al.'s SEQ ID NO:8, which is found in Bergsma et al.'s claim 1 and claim 3.

3. 35 U.S.C. §135(b) IS SATISFIED

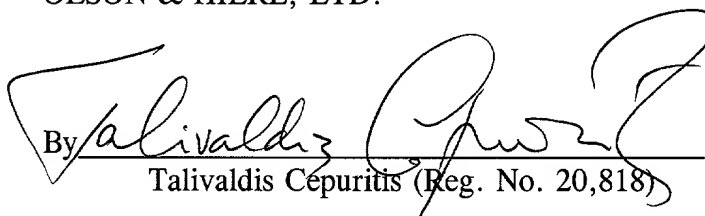
The effective filing date of the present Sutcliffe et al. application is August 2, 1996, which is earlier than the September 26, 1997 effective filing date of the Bergsma et al. patent. Applicants' independent claim 60 and dependent claims 61 and 62 are presented in the present application within one-year of the issue date, i.e., December 14, 1999, of the Bergsma et al. patent. Accordingly, the timing requirement of 35 U.S.C. §135(b) is satisfied.

II. CONCLUSION

Applicants respectfully request that an Interference be declared with proposed Count 1 as set forth on attached Appendix A. Claims 1, 2, and 3 of the Bergsma et al. patent and present Claim 60 each corresponds to Count 1.

Respectfully submitted,

OLSON & HIERL, LTD.

By 
Talivaldis Cepuritis (Reg. No. 20,818)


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20 North Wacker Drive
36th Floor
Chicago, Illinois 60606
(312) 580-1180

CERTIFICATE OF MAILING BY
"EXPRESS MAIL" UNDER 37 CFR 1.10

Date of Deposit: December 12, 2000

"Express Mail" mailing label number EL685061256US

I hereby certify that this paper, together with the stated attachments (Appendices A and B), is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner of Patents, Box PATENT APPLICATION, Washington, D.C. 20231.


Deborah A. Melchi